

THE LAW OFFICES OF
RICHARD MALAGIERE
A PROFESSIONAL CORPORATION
www.malagierelaw.com

Richard Malagiere
Member NJ & NY Bar
Registered Patent Attorney

Matthew E. Gilson
Member NJ Bar

250 MOONACHIE ROAD
SUITE 102
MOONACHIE, NJ 07074
201.440.0675
FAX: 201.440.1843

100 CHURCH STREET
SUITE 100
NEW YORK, NEW YORK 10007
212.879.5580
FAX: 212.879.5583

OF COUNSEL
Lawrence D. Mandel
Member NJ & PA Bar
Leonard E. Seaman
Member NJ Bar
Certified by the Supreme Court of
New Jersey as a Civil Trial Attorney

***REPLY TO NJ OFFICE**

Writer's Direct Dial: 201.509.4180
Writer's e-mail: les@malagierelaw.com

January 17, 2018

VIA ECF

The Honorable Claire C. Cecchi, U.S.D.J.
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: D'Antonio v. Borough of Allendale, et al.
Civil Action No.: 2:16-cv-816 (CCC)(JBC)

Dear Judge Cecchi:

This office represents the Defendant, Bergen County Sheriff's Department ("BCSD"), in the above-captioned matter.

On January 16, 2018, counsel for Plaintiff submitted a letter to Your Honor "in response to" the BCSD's reply brief in support its motion to dismiss. (Dkt #196) Counsel's letter is a sur-reply. I write to object to same.

Local Rule 7.1(d)(6) provides that "[n]o sur-replies are permitted without permission of the Judge or Magistrate Judge to whom the case is assigned." "A court may strike a party's sur-reply if filed without permission from the court." In re Ford Motor Co. E-350 Van Prods. Liab. Litig., Civil Action No. 03-4558 (GEB), 2010 U.S. Dist. LEXIS 68241, at *85 (D.N.J. July 9, 2010).

Inasmuch as permission to file the sur-reply was not sought in advance, counsel's letter is improper and should be stricken. If the Court requires a formal motion to strike, please advise so an application can be filed.

Respectfully submitted,
s/Leonard E. Seaman
LEONARD SEAMAN

Cc: All counsel (via ECF)
Client (via e-mail)